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| APPLICATION NO.  | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO.     | CONFIRMATION NO. |
|--|-------------|----------------------|-------------------------|------------------|
| 09/844,627   | 04/27/2001  | Nancy A. Abbe        | ABBE/001                | 2399             |
| 1473   | 7590        | 01/30/2004           | EXAMINER                |                  |
| FISH & NEAVE<br>1251 AVENUE OF THE AMERICAS<br>50TH FLOOR<br>NEW YORK, NY 10020-1105 |             |                      | ART UNIT                | PAPER NUMBER     |
|  |             |                      | DATE MAILED: 01/30/2004 |                  |

Please find below and/or attached an Office communication concerning this application or proceeding.

|  |  |                                       |  |
|--|--|---------------------------------------|--|
| <b>Notification of Non-Compliance<br/>With 37 CFR 1.192(c)</b> | <b>Application No.</b><br>09/844,627     | <b>Applicant(s)</b><br>ABBE, NANCY A. |  |
|  | <b>Examiner</b><br>Stephen J. Castellano | <b>Art Unit</b><br>3727               |  |

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

The Appeal Brief filed on 13 November 2003 is defective for failure to comply with one or more provisions of 37 CFR 1.192(c). See MPEP § 1206.


To avoid dismissal of the appeal, applicant must file IN TRIPLICATE a complete new brief in compliance with 37 CFR 1.192(c) within the longest of any of the following three **TIME PERIODS**: (1) **ONE MONTH or THIRTY DAYS** from the mailing date of this Notification, whichever is longer; (2) **TWO MONTHS** from the date of the notice of appeal; or (3) within the period for reply to the action from which this appeal was taken. **EXTENSIONS OF THESE TIME PERIODS MAY BE GRANTED UNDER 37 CFR 1.136.**

1. ☒ The brief does not contain the items required under 37 CFR 1.192(c), or the items are not under the proper heading or in the proper order.
2. ☐ The brief does not contain a statement of the status of all claims, pending or cancelled, or does not identify the appealed claims (37 CFR 1.192(c)(3)).
3. ☐ At least one amendment has been filed subsequent to the final rejection, and the brief does not contain a statement of the status of each such amendment (37 CFR 1.192(c)(4)).
4. ☐ The brief does not contain a concise explanation of the claimed invention, referring to the specification by page and line number and to the drawing, if any, by reference characters (37 CFR 1.192(c)(5)).
5. ☒ The brief does not contain a concise statement of the issues presented for review (37 CFR 1.192(c)(6)).
6. ☐ A single ground of rejection has been applied to two or more claims in this application, and
  - (a) ☐ the brief omits the statement required by 37 CFR 1.192(c)(7) that one or more claims do not stand or fall together, yet presents arguments in support thereof in the argument section of the brief.
  - (b) ☐ the brief includes the statement required by 37 CFR 1.192(c)(7) that one or more claims do not stand or fall together, yet does not present arguments in support thereof in the argument section of the brief.
7. ☐ The brief does not present an argument under a separate heading for each issue on appeal (37 CFR 1.192(c)(8)).
8. ☐ The brief does not contain a correct copy of the appealed claims as an appendix thereto (37 CFR 1.192(c)(9)).
9. ☒ Other (including any explanation in support of the above items):

Item 1: The conclusion of appellant's remarks is listed as item 9 (IX) rather than the claims appendix being labeled as item 9.

Item 5: The issues are incomplete. The final rejection includes 11 separate grounds of rejection. Appellant establishes only five issues (A-E). Issues A-D correspond to the 112 rejection and the three 102 rejections, while issue E corresponds to all seven of the 103 rejections, this is improper. Appellant may concede any of the grounds of rejection by removing all arguments pertaining to that ground and eliminating that issue. Appellant has presented arguments for each ground of rejection and is required to submit an issue to each corresponding ground of rejection.

Item 6: Appellant states that the claims subject to each rejection stand or fall with that rejection and the arguments are consistent with this since appellant has not separately argued the claims within the grounds of rejection.

  
 Stephen J. Castellano  
 Primary Examiner  
 Art Unit: 3727